



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Tonopah Field Office
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6 JUL '20 PM 1:09

In Reply Refer To:
3809 (N-96238)

JUN 26 2020

DOI-BLM-NV-B020-2020-0003-EA

Dear Interested Public,

The Bureau of Land Management (BLM) Tonopah Field Office (TFO) has completed its analysis of the Corvus Gold Nevada, Inc. (CGN) Mother Lode Exploration Plan of Operations (Project) and Right of Way grant Environmental Assessment (EA). This project is located about seven miles east of the town of Beatty, in Nye County, Nevada. Total disturbance will be 145 acres of the 261-acre project area.

The BLM consulted with Timbisha and Duckwater Shoshone Tribes twice by letter. A member of the Duckwater Shoshone Tribe visited the site. The EA was made available for a 30-day public comment period and was posted on the BLM National NEPA Register. The BLM also issued a press release the same day with a link to the EA and instructions on how to comment.

The BLM received nine comment letters, including six from the public, two from state agencies and one from the town of Beatty Advisory Board. The BLM evaluated substantive comments during the decision-making process. These are tabulated in Appendix A of the EA.

A Finding of No Significant Impact (FONSI) was signed on June 23, 2020. Once Phase I of the Project has been bonded, the Decision Record (DR) allows CGN to begin exploration according to their Plan of Operations and as analyzed in the EA.

The EA, FONSI, and DR can be viewed on the BLM NEPA Register website at: <https://go.usa.gov/xdJUz> and hardcopies of these documents, baseline reports, and the Plan of Operations are available for review at the TFO by appointment during regular business hours, 7:30 a.m. to 4:30 p.m., Monday through Friday.

If you have questions you may contact Jess Harvey, Public Affairs Specialist for the Battle Mountain District at (775) 635-4054.

Sincerely,

Perry B. Wickham
Field Manager



United States Department of the Interior



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In Reply Refer To:
2800/3809 (NVB0200)
NVN-096238
NVN-095622
N-99359
N-99360

JUN 23 2020

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7019 0700 0000 6679 2048

DECISION

Corvus Gold Nevada, Inc. :
Attn: Carl Brechtel : 3809 Surface Management
9088 South Ridgeline Blvd., Ste. 103 :
Highlands Ranch, CO 80129 :

PLAN OF OPERATIONS APPROVAL DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT NOTICE VACATED

INTRODUCTION

The Bureau of Land Management received an exploration plan of operations (Plan) titled *Mother Lode Exploration Plan of Operations/Reclamation Plan and Permit Application* (Project) and has prepared an Environmental Assessment (EA), DOI-BLM-NV-B020-2020-0003-EA, that analyzes the affected environment and environmental impacts, and identifies environmental protection measures associated with Corvus Gold Nevada, Inc.'s (CGN) Plan and long-term right-of-way (ROW). The final Plan was received in our office on March 4, 2020, in accordance with the BLM Surface Management Regulations-43 Code of Federal Regulations (CFR) 3809, as amended. It has been assigned BLM case file number NVN-096238. Please refer to this number in all future correspondence.

BACKGROUND

CGN is currently acknowledged to conduct five acres of surface disturbance, including exploration roads, drill pads and sumps, within the Project Area under an Exploration Notice, BLM case file number NVN-095622. The project is located approximately seven miles east of Beatty in the Bare Mountain mining district, in Nye County, Nevada. The proposed Plan is located on private land administered by the U.S. Bureau of Land Management (BLM).

In the proposed Plan, CGN proposes to conduct phased mineral exploration-related activities within a 261-acre Project Area, that would create up to 140 acres of new surface disturbance for the total Project-related disturbance of approximately 145 acres. Exploration activities would be conducted in phases, with

19.7 acres of new surface disturbance occurring under Phase I and 125.3 acres under subsequent phases. Types of disturbance under the Plan include:

- Constructing up to 550 drill sites and sumps within the Project Area;
- Creating up to 66.3 miles (350,000 lineal feet) of cross-country access on slopes less than ten percent;
- Constructing up to 3.8 miles (20,000 lineal feet) of road on ten percent to 20 percent slopes;
- Constructing up to 1.5 miles (8,000 lineal feet) of road on 20 percent to 30 percent slopes;
- Constructing up to 0.5 mile (2,500 lineal feet) of road on slopes greater than 30 percent;
- Constructing one laydown area; and
- Use of groundwater from up to three existing wells.

In addition to the EPO, a Plan of Development (POD) was submitted September 2019 (revised October 2019) for a long-term ROW grant. The long-term ROW (N-99359) would authorize CGN to utilize and maintain approximately 12.1 miles of an existing 25-foot wide access road and three smaller 25-foot wide access road segments, approximately 37 acres total. The three existing well sites (N-99360) are approximately 100 feet long by 100 feet wide, for a total maintenance area of approximately 0.7 acre. There is no new surface disturbance associated with the access road and three existing well sites.

PUBLIC INVOLVEMENT

The BLM commenced Native American consultation on April 26, 2018, by contacting the Timbisha Shoshone Tribe and Duckwater Shoshone Tribe, by letter. A response from the Timbisha Shoshone Tribe was received on May 1, 2018, requesting that a Tribal monitor be on site during surface disturbing activities. A second letter was sent to the Timbisha Shoshone Tribe on May 16, 2019. A site visit was conducted between the BLM Native American Consultation Coordinator and Mr. Warren Graham of the Duckwater Shoshone Tribe on January 15, 2020. Continued coordination has been requested by the Duckwater Shoshone Tribe.

The EA was made available for a 30-day public comment period ending on April 23, 2020, with comments being accepted until April 29, 2020. Notifications of the EA 's availability were sent to persons and agencies on the Project mailing list, and the EA was posted on the BLM National NEPA Register and the Battle Mountain District website. The BLM also issued a press release the same day with a link to the EA and instructions on how to comment.

The BLM received nine comment letters, including six from the public, two from state agencies and one from the town of Beatty. The BLM evaluated substantive comments during the decision-making process and made minor corrections and clarifications to the EA. Appendix A of the EA contains a tabulated list of substantive comments received and responses to these comments. The review resulted in the addition of two new environmental protection measures (EPMs) recommended by Nevada Department of Wildlife for golden eagle and desert tortoise. The BLM determined that the comments did not identify or present any significant new information or changed circumstances that would warrant additional NEPA analysis.

All correspondence relative to this planning process is part of the public record and available for review at the Tonopah Field Office.

DECISION

- 1. Considering the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from the public and from**

other agencies, it is my decision to approve the Plan with the financial guarantee requirements. The BLM approval of the Plan will be subject to operating, reclamation and monitoring measures in the Plan, the performance standards set forth in 43 CFR 3809.420, and the Applicant-Committed Environmental Protection Measures (EPMs) as set forth in the EA and restated in this Decision under Conditions of Approval. The Authorized Officer has reviewed the Plan of Development and approves the issuance of long-term ROW grants.

This decision constitutes concurrence with CGN's use and occupancy of public lands as described in the approved Plan. CGN must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2, 43 CFR 3715.2-1, and 43 CFR 3715.5 throughout the duration of the approved Plan. Concurrence by the BLM on CGN's proposed use and occupancy is not subject to State Director review but may be appealed by adversely affected parties directly to the Interior Board of Land Appeals as outlined in the enclosed BLM Form 1842-1. CGN is responsible for obtaining any Federal, State, and local permits that may be required before operations begin. Selection of the BLM's Preferred Alternative authorizes CGN to carry out a legitimate use of the public lands in an environmentally sound manner without causing unnecessary or undue degradation.

The rationale for the decision is supported by the surface management regulations (43 CFR subpart 3809); use and occupancy regulations (43 CFR subpart 3715), rights-of-way regulations (43 CFR Part 2800 and 2880); FLPMA, and the Mining Law of 1872, as amended. This decision has been prepared in accordance with and meets the requirements of Secretarial Order 3355. The Plan has been analyzed under the Council on Environmental Quality implementing regulations for NEPA (40 CFR Part 1500).

AMOUNT OF FINANCIAL GUARANTEE

Based on CGN's reclamation cost estimate for mineral exploration activities, this office, in concurrence with the Nevada Division of Environmental Protection, has determined that the amount of **\$180,678** is sufficient to meet all anticipated reclamation requirements for these activities. The amount of the reclamation cost estimate is based on the operator complying with all applicable operating and reclamation requirements.

All line items in the approved reclamation cost estimate are not to be considered as the limits of the reclamation expenditures should forfeiture of the financial guarantee be necessary. The line items listed are solely for the purpose of arriving at a total amount for the financial guarantee. This amount may be spent as the BLM deems necessary to implement the approved reclamation plan and does not represent a reclamation cost limit or constraint, nor does it preclude you, the operator, from financial liability for reclamation costs.

REQUIRED FINANCIAL GUARANTEE

The operator must submit an acceptable financial guarantee in the amount of **\$180,678** to the Bureau of Land Management, Branch of Mineral Resources (Solids), 1340 Financial Blvd., Reno, NV 89502-7147. You must receive written notification from that office accepting and obligating your financial guarantee before you begin any surface disturbing operations.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact the Branch of Mineral Resources (Solids) at (775) 861-6400 for further information on the adjudication of financial guarantees.

BLM's review of your proposed operations, approval of the Plan, finding that the activity will not cause unnecessary or undue degradation, and the decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to comply with all applicable Federal,

State and local laws, regulations, and permit requirements. You are responsible for preventing any unnecessary or undue degradation and for reclaiming all lands disturbed by your operations.

This Decision does not constitute certification of ownership to any entity named in the Plan; recognition of the validity of any associated mining claims; or recognition of the economic feasibility of the proposed operations.

2. Conditions of Approval

CGN would commit to the following EPMs to prevent unnecessary or undue degradation during construction, operation, and reclamation of the Project. The measures are derived from the general requirements established in the BLM's Surface Management Regulations at 43 CFR 3809 and BMRR mining reclamation regulations, and water quality, air quality and other environmental protection regulations and guidelines.

A. Air Quality

1. Project-related traffic will observe prudent speed limits to enhance public safety, protect wildlife and livestock, and minimize dust (particulate) emissions. Emissions of fugitive dust from disturbed surfaces would be minimized by the application of water from a water truck as a method of dust control.
2. A Surface Area Disturbance (SAD) Permit would be required when the surface disturbance exceeds 20 acres in size from the Bureau of Air Pollution Control. Included in a SAD permit is a Dust Control Plan.

B. Cultural Resources

1. Pursuant to 43 CFR 10.4(g), CGN would notify the BLM-authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4, CGN would immediately stop all activities in the vicinity of the discovery and not commence again until a notice to proceed is issued by the BLM-authorized officer.
2. In accordance with 43 CFR 3809.420(b)(8), CGN would not knowingly disturb, alter, injure, or destroy any historical or archaeological site, structure, building or object on federal lands. CGN would avoid the identified features of the two National Register of Historic Places (NRHP)-eligible sites by a buffer of 30 meters. A qualified archaeologist would be placed on site during surface disturbing activities within the NRHP-eligible site boundaries to ensure the protection of the identified features.
3. Any undiscovered cultural resources identified by CGN, or any person working on their behalf, during the course of activities on federal land would be immediately reported to the authorized officer by telephone, and with written confirmation. The permit holder would suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer. This evaluation would determine the significance of the discovery and what mitigation measures would be necessary to allow activities to proceed. CGN would be responsible for the cost of evaluation and mitigation. Operations would resume only upon written authorization to proceed from the authorized officer.

C. Erosion and Sediment Control

1. Best Management Practices for sediment control would be employed as needed during construction, operation, and reclamation to minimize sedimentation of disturbed areas. Sediment

control structures would include, but not be limited to, fabric and/or certified weed free straw bale filter fences, siltation or filter berms, mud sumps, and down gradient drainage channels in order to prevent unnecessary or undue degradation to the environment.

2. Sediment traps (sumps), constructed as necessary within the drill site disturbance, would be used to settle drill cuttings, and prevent uncontrolled release of drill cuttings in produced groundwater.
3. Disturbed areas would be broadcast-seeded seasonally with an approved seed mix to minimize erosion.

D. Fire Management

1. All applicable state and federal fire laws and regulations would be complied with and all reasonable measures would be taken to prevent and suppress fires in the Project Area.
2. If the Project should start a wildland fire, CGN would be responsible for all the costs associated with the suppression. The following precautionary measures would be taken to prevent and report wildland fires:
 - a. All vehicles would carry fire extinguishers and a minimum of ten gallons of water;
 - b. Adequate fire-fighting equipment (i.e., shovel, Pulaski, extinguishers), and a minimum ten gallons of water would be kept at each drill site;
 - c. Vehicle catalytic converters would be inspected often and cleaned of brush and grass debris;
 - d. Welding operations would be conducted in an area free from or mostly free from vegetation. A minimum of ten gallons of water and a shovel would be on hand to extinguish any fires created from the sparks. Extra personnel would be at the welding site to watch for fires created by welding sparks. Welding aprons would be used when conditions warrant (i.e., during red flag warnings);
 - e. Wildland fires would immediately be reported to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444. Information reported would include the location (latitude and longitude if possible), fuels involved, time started, who or what is near the fire, and the direction of fire spread; and
 - f. When conducting operations during the months of May through September, the BLM Battle Mountain District Office, Division of Fire and Aviation would be contacted at (775) 635-4000 to determine if any fire restrictions are in place for the Project and to provide approximate beginning and ending dates for Project activities.

E. Hazardous or Solid Wastes

1. No hazardous or toxic waste, waste oil, or lubricants will be disposed of on public or private lands. Trash and debris will be contained on the work site and then hauled to an approved offsite landfill facility. Burial and/or burning of trash and other debris on public lands will not be performed without specific authorization and permits from the BLM and other appropriate agencies.
2. Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle.
3. No solid waste would be permitted in sumps.
4. Only nontoxic fluids would be used in the drilling process.

5. If a spill of a petroleum constituent is considered to meet the reportable quantity per the NDEP's guidelines (greater than 25 gallons or greater than three cubic yards of impacted material or any quantity if a water body is impacted), or a reportable quantity for hazardous waste is released based on the Federal Environmental Protection Agency guidelines established under Title III List of Lists (40 CFR Part 302), the NDEP would be notified within 24 hours, and the appropriate remedial actions and confirmation sampling would be conducted under direction of the NDEP.

F. Migratory Birds

1. The Migratory Bird Treaty Act prohibits the destruction of nests (nests with eggs or young) of migratory birds.
2. Land clearing or other surface disturbance associated with the activities within the Project Area would be conducted outside of the avian breeding season, whenever feasible, to avoid potential destruction of active bird nests or young birds in the area.
3. When surface disturbance must be created during the avian breeding season (March 1 through July 31 for raptors and April 1 through July 31 for other avian species), a qualified biologist would survey the proposed disturbance and a 100-meter radius prior to surface disturbing activities in accordance with current BLM Nevada wildlife survey protocols.
4. Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within 14 days of the survey, another survey would be needed.

G. Night Skies

1. To minimize effects from lighting, CGN would utilize hooded stationary lights and light plants. Lighting would be directed onto the pertinent site only and away from adjacent areas not in use, with safety and proper lighting of the active work areas being the primary goal. Lighting fixtures would be hooded and shielded as appropriate. CGN would utilize lighting designed to reduce the impacts to night skies.

H. Noxious Weeds, Invasive and Non-Native Species

1. CGN will implement the Noxious Weed Monitoring and Control Plan (EM Strategies, Inc. 2019) prepared for the Project during construction and continuing through operations. Management strategies include prevention (i.e., awareness and education and protective management practices), treatment (i.e., mechanical treatment, chemical treatment, and biological treatment), and monitoring.
2. Employees and contractors will be educated to identify noxious weeds that could occur in the proposed disturbance areas.

I. Paleontological Resources

1. CGN would not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits. If previously undiscovered paleontological resources are discovered by CGN in the performance of any surface disturbing activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the authorized officer of the BLM. If significant paleontological resources are found, avoidance, recordation, and/or data recovery would be required.

J. Public Safety

1. Public safety would be maintained throughout the life of the Project. All equipment and other facilities would be maintained in a safe and orderly manner.
2. Project-related traffic will observe prudent speed limits to enhance public safety.

K. Special Status Species

1. To minimize impacts to golden eagle (*Aquila chrysaetos*) nests, Project activities would not be conducted between January 1 and August 31 within one mile of a nest. However, if that is not practicable, a survey would be conducted after March 21 at eagle nest sites that are within one mile of the Project Area to determine occupancy. The timing of the surveys may be adjusted due to winter weather conditions and is subject to approval from the Nevada Department of Wildlife (NDOW) based on consideration of bighorn sheep (*Ovis canadensis*) lambing activity. If a nest has a bird in an incubating/brooding posture, it would be assumed that the nest is active that year, and a one-mile disturbance buffer would be applied until August 31, or until it has been determined that 1) the nest has failed; or 2) the young have fledged and are no longer dependent on the nest. The buffer sizes may be reduced with approval from the US Fish and Wildlife Service (USFWS). If the nest is not active at the time of the surveys, the one-mile buffer would not apply and Project activities could commence.
2. CGN would not conduct surface disturbing activities within 200 feet of the existing adit in the southeastern portion of the Project Area that has been identified as potential bat habitat, to prevent any impacts to bat species potentially residing in or near this feature.
3. USFWS consultation in compliance with Section 7 of the Endangered Species Act (ESA) was completed on September 11, 2018 (08ENVS00-2017-I-0161.AMD2). The USFWS concluded that adverse effects to the desert tortoise would not be anticipated (USFWS 2018). CGN would implement the following desert tortoise minimization measures from the Informal Consultation Letter originally received on August 8, 2017, for the Notice-level activities (08ENVS00-2017-I-0161):
 - a. On-site personnel are educated through either a presentation or a pamphlet of the occurrence of desert tortoise in the action area and the threatened status of the species. All such personnel are educated on the definition of “take,” the potential impacts to desert tortoise, and potential penalties. A designated CGN field contact representative shall provide a written statement for signature acknowledging receipt of information regarding desert tortoise and any minimization measures placed for desert tortoise protection. BLM provides all on-site personnel with stipulations and procedures for reporting violations.
 - b. CGN would have a designated field contact representative on site during operations that would be responsible for compliance with minimization measures for the desert tortoise. This representative would have the authority to halt exploration activities as needed to protect the desert tortoise and its habitat. The representative would have a copy of all minimization measures when work is occurring on site.
 - c. Workers shall inspect underneath parked vehicles prior to operation. If a desert tortoise is underneath, the operator shall wait for the desert tortoise to move out from under the vehicle. If a dead or injured desert tortoise occurs on site, the designated field contact representative would notify the BLM and the Service. The notification would include date and time of finding; location; photograph; cause of death or injury (if known), and other pertinent information.

- d. A qualified biologist would conduct a desert tortoise survey 24 hours prior to drilling and road construction activity to ensure no desert tortoises are present in the action area.
 - e. Vehicle speeds on undeveloped access roads shall not exceed 15 miles per hour (mph) and 25 mph on more improved main access roads.
 - f. Workers and drivers shall have a copy of minimization measures when operating or in transit to the exploration site.
 - g. No dogs/pets in the action area and trash and food items shall be contained within closed, raven-proof containers.
 - h. All Project-related activities are restricted to the authorized vehicle routes and action area and would not stray into vegetated areas.
 - i. All trenches, pits, and other excavations would be checked for tortoises immediately prior to backfilling.
4. If a desert tortoise needs to be moved out of harm's way, in addition to all applicable federal permits, CGN would need to obtain a Special Purpose Permit from the NDOW, in compliance with NRS 503.597 and NAC 503.0935.

L. Survey Monuments

- 1. In the course of its exploration activities, CGN will not tamper with or destroy any existing survey monuments according to 43 CFR 3809.420(b)(9). CGN would protect survey monuments, witness corners, reference monument, bearing trees and line trees against unnecessary and undue destruction or damage.

M. Water Quality

- 1. BMPs for sediment control would be employed as needed during construction, operation, and reclamation to minimize sedimentation of disturbed areas. Sediment control structures would include, but not be limited to, fabric and/or certified weed free straw bale filter fences, siltation or filter berms, mud sumps, and down gradient drainage channels in order to prevent unnecessary or undue degradation to the environment.
- 2. Sediment traps (sumps), constructed as necessary within the drill site disturbance, would be used to settle drill cuttings, and prevent uncontrolled release of drill cuttings in produced groundwater.
- 3. Disturbed areas would be broadcast-seeded seasonally with an approved seed mix to minimize erosion.

N. Wildlife

- 1. Sumps and other small excavations that pose a threat to the public or wildlife would be adequately fenced, backfilled, or covered upon completion of drilling operations to preclude access.
 - 2. One end of each sump would be sloped to provide escape routes for wildlife.
- 3. BLM Notice NVN-095622 is hereby vacated with the approval of the Plan and acceptance of the financial guarantee.**

Once the financial guarantee is adjudicated for the Plan (NVN-096238) by the BLM Nevada State Office, Branch of Minerals Adjudication, the remaining reclamation and financial guarantee requirements under

NVN-095622 will be incorporated into the reclamation requirements of the Plan and the Notice terminated.

RATIONALE

The Plan, in combination with the preceding Conditions of Approval and the enclosed FONSI, show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the activities at the Project.

The Plan meets the objectives for Locatable Minerals (page 23 of the Tonopah RMP, which is, “To provide opportunity for exploration and development of locatable minerals such as gold, silver, copper, lead, zinc, molybdenum, etc., consistent with the preservation of fragile and unique resources in areas identified as open for the operation of the mining law.”

The Plan is in conformance with the President’s National Energy Policy Act of 2005 as per Instruction Memorandum (IM-2002-053), as put forth in Executive Order 13212, and will not have an adverse impact on energy development, production, supply, and/or distribution. The EA and FONSI support this decision.

AUTHORITY

This Decision is in compliance with the National Environmental Policy Act of 1969 (Public Law 91-190) as amended (72 USC 7321 et seq.), General and Title V of the Federal Land Policy and Management Act of 1976, the Clean Air Act, as amended, the Clean Water Act of 1977, the Migratory Bird Treaty Act of 1918, as amended, the National Historic Preservation Act, as amended, Part 3809 of Title 43 of the Code of Federal regulations, and Part 3710 Subpart 3715 – Use and Occupancy Under the Mining Laws of Title 43 of the Code of Federal regulations.

APPEAL OF THE DECISION

If you are adversely affected by this Decision, you may request that the BLM Nevada State Director review this Decision. If you request a State Director Review, the request must be received in the BLM Nevada State Office at 1340 Financial Blvd., Reno, Nevada 89502, no later than 30 calendar days after you receive or have been notified of this Decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This Decision will remain in effect while the State Director Review is pending unless a stay (suspension) is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a Decision on your request for review of this Decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this Decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at P.O. Box 911/1553 S. Main St, Tonopah, NV 89049, which we will forward to IBLA.

If you wish to bypass a State Director Review, this Decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at P.O. Box 911/1553 S. Main St, Tonopah, NV 89049, within 30 days from receipt of this Decision. As the appellant you have the burden of showing that the Decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This Decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition (request) pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the Decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a Decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

Contact

If you have any questions pertaining to this Decision, please contact this office at (775) 482-7800 or at the above address.



Perry B. Wickham
Field Manager

Enclosure: BLM Form 1842-1

cc: Nevada BLM, Branch of Mineral Resources (Solids)
NDEP-BMRR